

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION

No. 11-md-02293 (DLC)

This Document Relates to:

ALL ACTIONS

**NOTICE OF MOTION TO STAY PROCEEDINGS AND COMPEL ARBITRATION BY
DEFENDANT PENGUIN GROUP (USA), INC.**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Motion to Stay Proceedings and Compel Arbitration by Defendant Penguin Group (USA), Inc., the Declaration of Allison Sheedy and accompanying exhibits, any prior submissions and proceedings in this matter, and any other submissions as shall be made in support of this motion, Penguin, by and through undersigned counsel, will move this Court before the Honorable Denise Cote, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, for an order granting its motion to stay these proceedings and compel arbitration pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16. *See* 9 U.S.C. § 3 (“If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such

an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement[.]”).

Dated: March 2, 2012

Respectfully submitted,
AKIN GUMP STRAUSS HAUER & FELD LLP
By: /s/ David A. Donohoe
David A. Donohoe
Daniel Ferrel McInnis
Allison Sheedy
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036-1564
Telephone: 202-887-4000
Facsimile: 202-887-4288
dmcinnis@akingump.com
ddonohoe@akingump.com
asheedy@akingump.com

Attorneys for Defendant Penguin Group (USA), Inc.